

## **REMARKS**

### ***Formal Matters***

Claims 52, 54 and 55 are pending in the instant application. Claims 52 and 55 have been amended. Claim 55 has been amended to correct informality. The support for the amendment of Claim 52 can be found, for example, but not limited by, in paragraphs 37, 52, 54, 70, and 71, as well as FIGS. 2A-2C. No new matter has been added.

In view of the following remarks, Applicants respectfully request reconsideration of Claims 52, 54, and 55, the only claims under examination in the instant application.

### ***Claim Rejections- 35 U.S.C. § 103(a)***

In the Office Action dated January 8, 2008, the Examiner rejected independent Claim 52 as allegedly obvious, using references including Rochte et al. (US 3,545,690, filing date Jan. 22, 1968; hereafter Rochte) and Wheatcroft (CA 2,255,850, filing date Dec. 7, 1998) as the basis for establishing the alleged obviousness.

The Applicants submit that currently amended Claim 52 renders the prior art cited moot. Rochte teaches a chemical analyzer that provides a station for incubating samples, as consistently characterized by the Examiner. Rochte teaches that for incubation of a sample "...a massive block **402** of aluminum..." (Col. 9, line 65-Col.10; line 1) is provided for the heating unit of Rochte. First, the entirety of the analyzer taught by Rochte has stations that are not contained in a housing, so that the aluminum block of Rochte is not within the device of Rochte. Additionally, as one of ordinary skill in the art of the physics and engineering of thermal cycling devices is apprised, thermal cycling a sample is a completely different process from incubating a sample. As such, asserting that the teachings of Rochte relate to thermal cycling and methods thereof is a mischaracterization of Rochte. Moreover, Wheatcroft teaches a rotary thermal cycling apparatus having a plurality of heated plates set at predetermined temperatures. Wheatcroft teaches that the samples rotated into position to the different heated plates to perform the method of Wheatcroft. Further, the samples are placed into the device either manually or automatically. The placement of the samples into the device necessitates that the plurality of heated plates of Wheatcroft would be continuously exposed to the environment with continuous use.

In contrast, the embodiments of method of the thermal cyclers of independent Claim 52 utilize a thermal cycler having a sample block assembly within the thermal cycling device in which the sample tray provides external access for sample loading. Accordingly, neither Rochte nor Wheatcroft, either singly or in combination, teach embodiments of the methods of the instant

application utilizing a thermal cycling device having a sample tray providing access for sample loading external the device. The sample tray movement into the thermal cycling device and over the sample block assembly provides for a sample block assembly that is not environmentally exposed any time during the use of the device.

### **CONCLUSION**

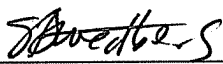
The Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this case, the Examiner is invited to contact me at the telephone number listed below.

### **Fee Authorization**

Should any extension of time and/or fee be necessary for the timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 01-2213 (order no. 4696C1)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,

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